

ESTTA Tracking number: **ESTTA322341**

Filing date: **12/16/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190788
Party	Plaintiff Clinique Laboratories, LLC
Correspondence Address	Clinique Laboratories, LLC 767 Fifth Avenue New York, NY 10153 UNITED STATES uspto@estee.com
Submission	Request for Discovery Conference
Filer's Name	Jason D. Jones
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Signature	/s/ Jason D. Jones
Date	12/16/2009
Attachments	Request For Board Participation (F0555793).PDF ( 3 pages )(1044955 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/642,853

Mark: CLIQUE

Published in the *Official Gazette* on April 28, 2009

Filed: January 3, 2009

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CLINIQUE LABORATORIES LLC,	:
	:
Opposer,	:
	:
- against -	:
	:
STEVEN ROSENHAUS,	:
	:
Applicant.	:
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Opposition No. 91190788

**REQUEST FOR BOARD PARTICIPATION IN DISCOVERY CONFERENCE**

Opposer Clinique Laboratories LLC, pursuant to Trademark Rule of Practice 2.120(a)(2), hereby requests the participation of an Interlocutory Attorney or an Administrative Trademark Judge in the parties' discovery conference.

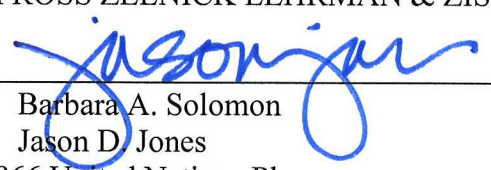
This matter was instituted on June 25, 2009 by the filing of the opposition. Following the institution of the proceeding, Applicant moved for an extension of time to file its answer. The answer ultimately filed by Applicant was improper, resulting in Clinique moving to strike Applicant's answer on the grounds that it failed to comply with the applicable Trademark Rules of Practice and the applicable Federal Rules of Civil Procedure. After Applicant submitted a revised answer the Board, on December 1, 2009, issued a scheduling order. Pursuant to that Order, the deadline for the parties to hold their discovery conference is December 30, 2009.

The parties endeavored to schedule the required discovery conference by the December 30, 2009 deadline. However, due to the holidays, vacation schedules and prior commitments, the

parties were not able to arrange a date prior to December 30<sup>th</sup>. The parties have set a conference for January 12, 2010 at 3:30 p.m. Opposer requests the participation of a Board Professional because the Applicant is acting *pro se*. Opposer cannot provide legal advice to the Applicant on issues relating to the discovery conference. At the same time, however, Opposer wants to ensure that all issues are covered and that Applicant understands the issues. For that reason, therefore, the participation of a Board Professional is requested.

As noted above, the parties have scheduled a telephonic discovery conference for January 12, 2010 at 3:30 p.m. Should a Board Professional be unable to participate at this time, Opposer will endeavor to schedule the conference for a day and time that accommodates counsel's schedule, Applicant's schedule, and the Board's schedule.

Dated: New York, New York  
December 16, 2009


FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
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*Attorneys for Opposer Clinique Laboratories LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of December, 2009, a true and correct copy of the foregoing **REQUEST FOR BOARD PARTICIPATION IN DISCOVERY CONFERENCE** was served by first class mail on:

Steven Rosenhaus  
212 East 47<sup>th</sup> Street, Suite 20C  
New York, NY 10017

  
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Jason D. Jones